

## REMARKS

The Office Action dated January 4, 2005 has been received and carefully considered. In this response, claims 22, 31 and 40 have been amended. Support for these amendments may be found in the specification and figures as originally filed. Reconsideration of the outstanding rejections in the present application therefore is respectfully requested based on the following remarks.

### **Allowability of Claims 43-45**

The Applicant notes with appreciation the indication at page 11 that claims 43-45 are allowed. As acknowledged by the Examiner, the cited references do not disclose or suggest a “wireless communication device which sends a special packet to the base station wherein the special packet (1) establishes a low latency connection and (2) includes an indicator via differentiated services (using the TOS byte in the IP packet, also known as the differentiated services code point (DSCP)) to the base station to give priority to incoming packets having voice data between the base station and the wireless communication device.” *Office Action*, p. 11. However, while the Applicant agrees that the references do not show sending a special packet that establishes a low latency connection and includes an indicator, the Applicant notes that claims 43-45 do not recite limitations directed to differentiated services, a TOS byte, or a differentiated services code point and these particular instances should not be interpreted as integral to or part of the claim language.

Due to cost considerations and in an effort to advance the prosecution of the present application, the Applicant has amended the independent claims 22, 31 and 40 to recite the additional limitations of “communicate/communicating a special purpose packet to the base station via the transceiver in response to a determination that the display screen module and the user control module are separated so as to establish a low-latency connection for communicating packetized voice data, the special purpose packet including an indicator that the base station is to give priority to packets having voice data communicated between the base station and the portable device” as also recited by claim 43. As noted by the Examiner, these limitations are not

shown by the cited references. Accordingly, claims 22, 31 and 40 should be allowable for at least the same reasons that claims 43-42 are allowable.

### **Obviousness Rejections of Claims 22-42**

At page 2 of the Office Action, claims 22, 23, 25, 26, 30-32, 34, 35 and 39 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Miloslavski (U.S. Patent No. 6,477,565) in view of Newman (U.S. Patent No. 6,757,551). At page 6 of the Office Action, claims 24, 33 and 42 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Miloslavski in view of Newman and further in view of Borella (U.S. Patent No. 6,587,433). At page 7 of the Office Action, claims 27-29 and 36-38 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Miloslavski in view of Newman and further in view of Borella. At page 8 of the Office Action, claims 40-42 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Miloslavski in view of Newman and further in view of Borella. The claims have been amended, thereby obviating this rejection.

As noted above, independent claim 22, from which claims 23-30 depend, has been amended to recite the additional limitations of a controller to communicate a special purpose packet to the base station via the transceiver in response to a determination that the display screen module and the user control module are separated so as to establish a low-latency connection for communicating packetized voice data, the special purpose packet including an indicator that the base station is to give priority to packets having voice data communicated between the base station and the portable device. Independent claim 31, from which claims 32-39 depend, and independent claim 40, from which claims 41 and 42 depends, have been similarly amended. As acknowledged by the Examiner (see Office Action, p. 11), these limitations are not disclosed by the cited references. Accordingly, the proposed combinations of Miloslavski, Newman and Borella fail to disclose or suggest each and every limitation presently recited by claims 22, 31 and 40, as well as each and every limitation recited by claims 23-30, 32-39, 41 and 42 at least by virtue of their dependency from one of claims 22, 31 and 40.

In view of the foregoing, it is respectfully submitted that the obviousness rejections of claims 22-42 are improper at this time and the withdrawal of these rejections therefore is respectfully requested.


**Conclusion**

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

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Date

  
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